

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTONIO G. REYES,

Plaintiff,

v.

ANTHONY RAMOS,

Defendant.

No. 07-541-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is Antonio G. Reyes' motion for leave to appeal in forma pauperis (Doc. 37). To obtain leave to appeal IFP, Reyes must adequately show his inability to pay appellate filing fees by submitting an affidavit, along with his motion, "that includes a statement of all assets such prisoner possess that the person is unable to pay such fees or give security therefore. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress." **28 U.S.C. § 1915(a)(1); see also FED. R. APP. P. 24(a)(1).** Secondly, "[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." **28 U.S.C. §1915(a)(3); see also FED. R. APP. P. 24(a)(3).**

Reviewing Reyes' submitted documents, it appears he has failed to substantially comply with **§ 1915** in that he did not provide, "in addition to filing an affidavit... a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing

of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.” **28 U.S.C. § 1915(a)(2)**. In fact, Reyes even notes in his affidavit that he has failed to attach the trust fund account statement but that he had not yet received the statement which he had requested from the prison. Reyes has, since filing his original motion, filed a letter with the Court in which he states that he has not yet provided the Court with his trust fund account statement because he is still awaiting a copy of the statement and will submit it to the Court when it is received. Therefore, at this time, the Court **DENIES WITHOUT PREJUDICE** Plaintiff’s motion (Doc. 37). The Court further allows Plaintiff to re-file his motion with the appropriate supplemental documents within **thirty (30) days** of the date of this Order.

IT IS SO ORDERED.

Signed this 21st day of May, 2010.

/s/ David R. Herndon

**Chief Judge
United States District Court**